

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALL ASSETS IN AUSTRALIA AND
ELSEWHERE LISTED IN ATTACHMENT
A, AND ALL INTEREST, BENEFITS, AND
ASSETS TRACEABLE THERETO,
Defendants *in Rem*.

Civil No. 1:15-cv-1106

Hon. Liam O'Grady

AMENDED ORDER STRIKING CLAIMS

The Court hereby issues this Amended Order Striking Claims, which replaces the Order Striking Claims signed January 10, 2018 (Dkt. 51). Pursuant to Magistrate Judge Nachmanoff's Order (Dkt. 49), the Claimants are not in procedural default, as their Motion to Dismiss (Dkt. 39) was timely filed as of December 19, 2017.

The Court, having considered the United States' motion to strike the claims of Megamedia Limited, Megarotic Limited, Megaupload Limited, and Megavideo Limited (the "Corporate Claimants"); Kim Dotcom; and Mathias Ortmann, hereby finds the following:


1. A warrant or similar process has been issued for Claimants Kim Dotcom and Mathias Ortmann in a criminal case for the claimants' apprehension;
2. Claimants Kim Dotcom and Mathias Ortmann have had notice or knowledge of the warrants;
3. The criminal case is related to this forfeiture action;
4. Claimants Kim Dotcom and Mathias Ortmann are not confined or otherwise held in custody in another jurisdiction;

5. Claimants Kim Dotcom and Mathias Ortmann have deliberately avoided prosecution by declining to enter or reenter the United States;
6. Because Claimant Kim Dotcom, who is himself a fugitive under Section 2466, is the Corporate Claimants' controlling shareholder and, in particular, because he signed the claims on behalf of the corporations, a presumption of disentitlement applies to the corporations as well;
7. The Court, in its discretion, has determined to strike the claimants' claims pursuant to 28 U.S.C. § 2466.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT the claims of the Corporate Claimants; Kim Dotcom; and Mathias Ortmann are hereby stricken.

IT IS SO ORDERED.

January 11, 2018
Alexandria, Virginia



Liam O'Grady
United States District Judge